



Order Filed on August 21, 2017
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, P.C.

By: Alexandra T. Garcia, Esq. (Atty.

L.D.#ATG4688)

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Attorneys for Movant: Bayview Loan Servicing,
LLC

IN re:

Rodney L. Green

Kim Green

Debtors

Case No.: 14-26182-MBK

Chapter: 13

Hearing Date: July 11, 2017
at 10:00 a.m.

Judge: Michael B. Kaplan

Recommended Local Form



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: August 21, 2017

A handwritten signature of Michael B. Kaplan in black ink.
Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant: Bayview Loan Servicing, LLC
Applicant's Counsel: Alexandra T. Garcia, Esq.
Property Involved ("Collateral") 5 Palfrey Lane, Willingboro, New Jersey 08046

Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for the months of July 1, 2017 and August 1, 2017 each at \$1,242.09 for total arrears of \$2,484.18.
- ☒ Debtor shall pay the arrears of \$2,484.18 on or before August 31, 2017.
- ☒ Beginning on September 1, 2017, regular monthly mortgage payments shall continue to be made in the amount of \$1,242.09.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☒ Immediate payment: Bayview Loan Servicing, LLC
4425 Ponce de Leon Blvd. 5th Floor
Coral Gables, FL 33146
- ☒ Regular monthly payment: Same as above
- ☐ Monthly cure payment: Same as above

4. In the event of Default:

- ☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.
- ☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ Attorneys' fees are not awarded.